



South Coast Air Quality Management District

Engineering & Compliance

*Policies &
Procedures*

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

LEGAL DIVISION MEMORANDUM

DATE: August 7, 1989
TO: Wayne Zwaicher
FROM: Curtis L. Coleman /s/ CLC
SUBJECT: Interpretation of Rule 301(f)(1)

You have requested my opinion on the following question:

Are emissions from operations (such as hand wiping/cleaning, brush painting, roller coating, etc.) directly or indirectly associated with equipment under District permit, equipment not requiring a permit pursuant to Rule 219, or operations which are not associated with such equipment, to be included in the assessment of the annual emissions fee?

Rule 301(f)(1) provides:

In addition to the annual operating permit fee, the owner/operator of all equipment operating under permit shall pay an annual permit fee based on the total weight of emissions of each of the contaminants specified in paragraph (d) of Rule 301.1 from all equipment on the premises, including equipment not requiring a written permit pursuant to Regulation II (see Rule 219), except that a fee need not be paid for emissions from equipment not requiring a written permit pursuant to Regulation II if the owner/operator keeps separate records which allow the determination of emissions from such equipment.

That rule provision indicates that emissions associated with operations that are not required to obtain a permit from the District are not subject to emissions fees, as long as the owner/operator keeps separate records which allow the determination of emissions from such equipment. This is true whether or not the operation is listed in Rule 219. Since Rule 301(f)(1) provides for an exemption for "equipment" which is not required to obtain a permit under Regulation II, if the District does not require a permit for certain types of equipment or operations it cannot require payment of emissions fees for emissions arising out of these operations if the required separate records are kept.

It should be noted, however, that to the extent otherwise exempt operations are included in an “equivalency plan” or “alternative emission control plan,” I believe that they become operations subject to permit requirements (through the plans). Accordingly, emissions from such operations may properly be assessed emissions fees. Brush and roller coating operations may be found in some operations to increase transfer efficiency to allow use of higher solvent coatings.

Finally, emissions directly associated with a permitted equipment may be assessed emissions fees. It is my opinion that emissions associated with the cleaning of permitted equipment may be properly considered as emissions directly associated with the permitted equipment.

If you have any further questions, please feel free to contact me.

CLC:pc

THIS MEMO NO LONGER APPLIES